

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yusuke Sakai, et al.

Application No. 10/573,191

Filed: 10/26/2004

For: PHARMACEUTICAL COMPOSITION  
CONTAINING PROSTAGLANDIN

Examiner: Unknown

Art Unit: Unknown

PETITION TO REVIVE UNDER 37 CFR §1.137(a)

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants respectfully petition the Commissioner to revive the above-referenced application under the circumstances of unavoidable abandonment due to failure to receive the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (hereinafter referred to "Notification"). Applicants enclose herewith a fee under 1.17(l). If any additional fee is required, Applicants authorize the debit of Deposit Account No. 02-2666.

When Applicants' representative did not received an Official Filing Receipt, Applicants' representative sent a Status Request mailed March 6, 2007 (see date stamped Exhibit A). Applicant's representative did not receive a response to the Status Request. On September 10, 2007, Applicants' representative called the PCT help desk clerk to inquire about the status of the above-referenced application. Applicants' representative found out that a Notification was issued on November 29, 2006, and a copy was faxed to Applicants' representative by the clerk. Applicants' representative states that the November 29, 2006 Notification was not previously received by the representative or the representative's firm. Applicants' representative conducted a search of the file jacket and docket records both of which indicate that the Notification was not

received. Applicants' representative firm maintains a docket database including an entry to monitor the receipt of communications received from the Patent Office. A copy of the relevant docket record is attached as Exhibit B.

Applicants respectfully petition that the application be revived under 37 CFR §1.137(a) for failure to receive Notification. In connection with the Petition, Applicants submit herewith a Response to Notice of Missing Requirements mailed November 29, 2006.

Applicants also submit herewith a fee for a three-month extension of time to respond to the Notification that Applicants did not receive. Applicants believe that had the Notification mailed November 29, 2006, been received, Applicants would have responded by January 29, 2007. If any further extension of time fee is necessary in light of this petition, Applicants hereby authorize the debit of Deposit Account No. 02-2666.

#### CONCLUSION

Applicants respectfully request that the Petition now revives the abandoned application and that the pending prosecution may continue.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: \_\_\_\_\_

9/11/07

William T. Babbitt

William Thomas Babbitt, Reg. No. 39,591

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#### CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

Nedy Calderon

Nedy Calderon

9/11/07

Date

# EXHIBIT A

WAX

RECEIVED

MAR 13 2007

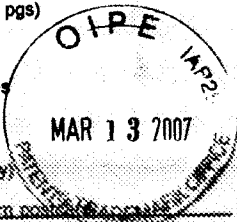
BLARELY, SOKOLOVE TAYLOR & LAFMAN LLP  
US PATENT ATTORNEYS

Application No: 10/573,191 Filing Date: 03/21/2006 BSTZ Docket #: 8002.P001 Atty/Sec: WTB/mva  
Date Mailed: 3-6-07 Docket Due Date(s):                      Clerk: YOSHITAKA TANI PATENT LAW FIRM  
Title Pharmaceutical Composition Containing Prostaglandin

Inventor(s) SAKAI OHTORI

*The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:*

- |  |   |
|--|---|
| <input type="checkbox"/> Amendment: ( <u>    </u> pgs)                               | <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08 ( <u>    </u> pgs)    |
| <input type="checkbox"/> Appeal Brief ( <u>    </u> pgs)                             | <input type="checkbox"/> Issue Fee Transmittal (original & copy)                            |
| <input type="checkbox"/> Application: ( <u>    </u> pages w/ cover & abstract)       | <input type="checkbox"/> Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i)             |
| <input type="checkbox"/> Application Amended to Reflect Claim of Priority            | <input type="checkbox"/> Notice of Appeal   |
| <input type="checkbox"/> Assignment & Cover Sheet ( <u>    </u> pgs)                 | <input type="checkbox"/> Petition for: <u>    </u>  |
| <input checked="" type="checkbox"/> Certificate of Mailing                           | <input type="checkbox"/> Request for Continued Examination (RCE)                            |
| <input type="checkbox"/> Declaration & POA ( <u>    </u> pgs)                        | <input type="checkbox"/> Reply Brief ( <u>    </u> pgs)                                     |
| <input type="checkbox"/> Drawings: <u>    </u> sheets, <u>    </u> figures           | <input type="checkbox"/> Request for Priority   |
| <input type="checkbox"/> Express Mail No: <u>    </u>                                | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request                 |
| <input type="checkbox"/> Extension of Time: <u>    </u>                              | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter           |
| <input type="checkbox"/> Fee Transmittal (original & copy)                           | <input type="checkbox"/> Terminal Disclaimer  |
| <input checked="" type="checkbox"/> Other <u>Request for Status: return postpaid</u> | <input type="checkbox"/> Transmittal of Formal Drawings                                     |
|  | <input type="checkbox"/> Transmittal of Publication Fee Due                                 |
|  | <input type="checkbox"/> Transmittal Letter   |
|  | <input type="checkbox"/> Check No. <u>            </u> in the Amount of <u>            </u> |
|  | <input type="checkbox"/> Check No. <u>            </u> in the Amount of <u>            </u> |



LA  
Assignee: Sankyo Pharmaceutical Co., Ltd.  
Foreign Associate's Name: Yoshitaka Tani  
FOR FLS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yusuke Sakai, et al.

Application No.: 10/573,191

Filed: March 21, 2006

For: Pharmaceutical Composition  
Containing Prostaglandin

Art Group: Not Assigned

Examiner: Not Assigned

REQUEST FOR STATUS

Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant filed its application on March 21, 2006 in connection with the above-identified application. The informal notice was received in our office on April 10, 2006.

To date, no further communication has been received from the U.S. Patent and Trademark Office. Accordingly, it is requested that Applicant be furnished with the status of the foregoing application to the undersigned.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date:

2/6/07

By:

William T. Babbitt  
William Thomas Babbitt Reg. No. 39,591

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(310) 207-3800

**CERTIFICATE OF MAILING**

*I hereby certify that this correspondence is being deposited  
with the United States Postal Service as first class mail in  
an envelope addressed to: Commissioner for Patents, P.O.  
Box 1450, Alexandria, VA 22313-1450 on*

3-6-07

Melissa Stead

Melissa Stead

3-6-07

Date

# EXHIBIT B

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Matter	<a href="#">Edit Services</a>	
Title:	PHARMACEUTICAL COMPOSITION CONTAINING PROSTAGLANDIN	File #: 8002P001
Type:	Utility - ORG	Country: United States of
Client:	Yoshitaka Tani Patent Law Firm	Client File #:
FIP ID:	317890	Publication Date:
Status:	Pending	Matter Entity Size: Large
Date Filed:	Mar 21, 2006	Issue Date:
Serial #:	10/573,191	Patent #:
Committee, Division or Group:		In-house filed:
Multiple Priority:		

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<input type="checkbox"/> <a href="#">Matter Management</a>		Open				<a href="#">Edit</a>	-- Add --
<input type="checkbox"/> <a href="#">Watch for first office action</a>		Open: Docket Items	Watch for first office action : 06/21/2007	Waiting for status reply : 04/06/2007		<a href="#">Edit</a>	-- Add --
<input type="checkbox"/> <a href="#">F/F priority deadline (trans deadline is 3/21/2007)</a>	No F/F as appn. was based on Japanese appn. (ndc)	Completed	Date Done : 03/06/2007			<a href="#">Edit</a>	-- Add --
<input type="checkbox"/> <a href="#">3 months remaining to F/F deadline, if translations are required, deadline is 2/21/2007</a>		Completed	Date Done : 03/06/2007			<a href="#">Edit</a>	-- Add --
<input type="checkbox"/> <a href="#">1 month remaining to F/F deadline, if translations are required, documents must be sent to foreign a</a>	1 month remaining to F/F deadline, if translations are required, documents must be sent to foreign associate today	Completed	Date Done : 03/06/2007			<a href="#">Edit</a>	-- Add --
<input type="checkbox"/> <a href="#">F/E letter</a>		Completed	Date Done : 03/06/2007			<a href="#">Edit</a>	-- Add --
<input type="checkbox"/> <a href="#">Status Inquiry Filed</a>	Status Inquiry Filed	Open: Docket Items	Date Filed : 03/06/2007	Response to Status Inquiry expected 06/06/2007		<a href="#">Edit</a>	-- Add --